

NOTE: COPY OF PRIOR APPLICATION MUST BE FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

--PATENT--

ATTORNEY DOCKET NO. 0687.020/P

Anticipated Classification of Application:

Class _____ Subclass _____

Prior Application:

Examiner: H. Dang

Art Unit: 2515

HON. COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

SIR:

This is a request for filing a

☒ Continuation

☐ Divisional

application under 37 C.F.R. 1.60, of pending prior application serial no. 08/772,977 filed on December 23, 1996, of David R. WILLIAMS, et al. for METHOD AND APPARATUS FOR IMPROVING VISION AND THE RESOLUTION OF RETINAL IMAGES

1. A copy of papers of prior application as filed are attached as follows:

☒ I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed (37 C.F.R. 1.60).

☒ Specification of 16 pages.

☒ Claims, 9 pages.

☒ Abstract.

☒ Drawings 3 sheet(s). (Complete 5 below if drawings are to be transferred.)

☒ Declaration and power of attorney, pages 2.

If the copy of the declaration being filed does not show applicant's signature, indicate thereon that it was signed and complete the following:

☐ In accordance with the indication required by 37 C.F.R. 1.60(b), my records reflect that the original signed declaration showing applicant's signature was filed on _____.

☐ The amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 C.F.R. 1.60(b), that this amendment did not introduce new matter therein.

2. Amendments:

☒ Cancel in this application original claims 2-25 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)

3. The filing fee is calculated below:

FOR	NO. FILED	NO. EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	4 - 20 =	0	x \$22.00=	\$ -0-
INDEPENDENT CLAIMS	4 - 3 =	1	x \$82.00=	\$ 82.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S)			+ \$270.00 =	\$ -0-
			BASIC FEE	\$ 790.00
TOTAL OF ABOVE CALCULATIONS =				\$ 872.00
<input type="checkbox"/> REDUCTION BY 1/2 FOR FILING OF SMALL ENTITY				\$ -0-
TOTAL OF FILING FEE =				\$ 872.00
<input type="checkbox"/> FEE FOR RECORDING OF ASSIGNMENT				\$
TOTAL OF FILING AND ASSIGNMENT RECORDING FEES =				\$

☒ Check(s) in total amount of \$872.00 is (are) enclosed. If no check is enclosed and a fee is due in connection with this communication, or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due or fees due during pendency of this application to Deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.

4. Small Entity Status:

- ☐ A verified statement that this filing is by a small entity is (was):
☐ attached
☐ filed in the parent application and such status is still proper and desired (37 C.F.R. 1.28(a)).

5. Drawings:

Do not check the following box if prior case is not to be abandoned. Transferred sheets must be cancelled in prior application (37 C.F.R. 1.88).

- ☐ Transfer the drawings from the prior application to this application and, subject to item 16 below, abandon said prior application as of the filing date accorded this application. A duplicate of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) applicant, (2) assignee of record, or (3) attorney or agent of record authorized by 37 C.F.R. 1.138 and before payment of issue fee.)

- ☐ Transfer the following sheet(s) of drawings from the prior application to this application _____

☒ New drawings are enclosed:

- ☒ formal.
☐ informal

6. Priority:

- ☐ Priority of application serial no. _____, filed on _____, respectively, in (country) _____ is claimed under 35 U.S.C. §119.
☐ The certified copy has been filed in prior U.S. application serial no. _____ filed on _____
☐ The certified copy will follow.

7. Related Back (35 U.S.C. §120).

☒ Amend the specification by inserting before the first line the sentence:

This is a

- ☒ continuation
☐ divisional

of co-pending application serial no. 08/772,977 filed on December 23, 1996.

8. Inventorship Statement:

If the continuation or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation or divisional application (37 C.F.R. 1.60(b)).

- (a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 U.S.C. §120 the inventor(s) in this application is (are):

- ☒ the same.
☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted: _____

- (b) The inventorship for the claims in this application is:

- ☒ the same.
☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

9. Assignment:

- ☒ The prior application is assigned of record to University of Rochester
☐ An assignment of the invention to _____ is attached.

Complete the following, if applicable.

Name of Assignee University of Rochester
Address of Assignee 518 Hylan Building, Rochester, New York 14627
Title of person authorized to sign on behalf of assignee Director, Office of Technology Transfer
Assignment recorded in PTO on December 23, 1996 Reel 8360 Frame 0762

10. Power of Attorney:

- ☒ The power of attorney in the prior application is to (attorney) Michael C. Greenbaum, Esq.,
Registration No. 28,419.
☒ The power appears in the original papers in the prior application.
☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
☐ A new power has been executed and is attached.
☒ Address all future communications to Michael C. Greenbaum, Esq.

11. Maintenance of Co-pendency of Prior Application:

This item must be completed and the papers filed if the period set in the prior application has run.

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____

12. Conditional Petition for Extension of Time in Parent Application:

This item must be completed if previous item not applicable.

- ☐ A conditional petition for extension of time is being filed in the pending parent application.

13. Abandonment of Prior Application (if applicable):

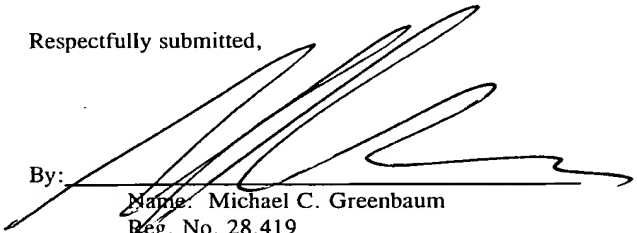
Do not complete this item if the application being filed is a divisional of the prior application which is not being abandoned.

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By:


Name: Michael C. Greenbaum
Reg. No. 28,419

Date: May 4, 1998

BLANK ROME COMISKY & McCAULEY LLP
WIGMAN, COHEN, LEITNER & MYERS IP GROUP
900 17th Street, N.W., Suite 1000
Washington, D.C. 20006
(202) 463-7700

- ☐ Inventor
☐ Assignee of complete interest
☐ Person authorized to sign on behalf of assignee
☒ Attorney or agent of record
☐ Filed under Rule 34(a)

10194